
Appendix A

Missouri Basin

Water Resources Development

A Chronology of Selected Events

1650

The first irrigation in the Missouri River basin is thought to have been started by the Taos Indians along Ladder Creek in northern Scott County, Kansas.

1764

City of St. Louis, first outpost of the West, established below the mouth of the Missouri River by fur trader Pierre Laclede.

1803

President Jefferson arranges purchase of the Louisiana Territory from France. The Missouri River basin constitutes almost two-thirds of the purchase.

1804

Jefferson assigns two U.S. Army officers — Meriweather Lewis and William Clark — to lead an expedition through the Missouri basin to the Northwest. They return two years later.

1819

First recorded steamboat navigation on the Missouri River and U.S. Army Major Stephen Long ascends the river aboard the Western Engineer to Council Bluffs.

1824

U.S. Supreme Court opinion declares in *Gibbons v. Ogden* that "The power of Congress . . . comprehends navigation, within the limits of every State in the Union; so far as that navigation may be, in any manner, connected with 'commerce with foreign nations, or among the several States, or with the Indian tribes.'" Federal commerce power over navigation includes authority to control not only all navigable waters of the U.S., but also the nonnavigable tributaries if the navigable capacity of navigable waterways is affected or if interstate commerce is otherwise affected.

1824

Congress authorizes the U.S. Army Corps of Engineers (COE) to aid navigation on the Nation's waterways. "Snagging" work on the Missouri River begins in 1838.

1844

The flood of 1844 is generally conceded to be the greatest known in the lower Missouri River basin. Although no records are available, the river in flood is estimated to have discharged 900,000 cubic feet per second at its mouth.

1862

The first 160-acre land grant under the Homestead Act is made to Daniel Freeman near Beatrice, Nebraska Territory.

1866

Congress enacts legislation providing that "whenever . . . rights to the use of water for mining, agricultural, manufacturing, or other purposes, have vested and accrued, and the same are recognized and acknowledged by the local customs, laws, and the decisions of courts, the possessors and owners of such vested rights shall be maintained and protected in the same." This Act recognized that under conditions prevailing in portions of the Missouri basin, the acquisition of water by prior appropriation for a beneficial use was entitled to protection.

1869

Completion of the first transcontinental railroad through the Missouri River basin fosters settlement in the region.

1877

Desert Lands Act of 1877 authorizes sale of public lands to persons who would irrigate them within three years.

1881

Some 300 delegates to a Missouri River Improvement Convention in St. Joseph, Missouri, call on the federal government to appropriate money for river projects.

1884

Congress creates the Missouri River Commission under the provisions of the Rivers and Harbors Act. The five-member body is composed of three Corps of Engineers representatives and two civilian representatives. The Commission is to: (1) superintend and direct river improvements authorized by Congress, and (2) consider and devise additional plans for improving the river for purposes of commerce and navigation. The

Commission functions until 1902, when its duties are returned to the COE.

1894

Congress authorizes the Missouri River Power Company of Montana to construct a dam across the Missouri River. Project not completed.

1897

Capt. Hiram Chittenden, COE, submits report upon the practicability and desirability of constructing reservoirs in upper Missouri basin. He concluded that upstream reservoir construction was "an indispensable condition to the highest development" of the region.

1889

John Wesley Powell, author of Report on the Lands of the Arid Regions of the U.S. (1878) and director of the U.S. Geological Survey, urged irrigation development in North Dakota, South Dakota, and Montana, stating that no water falling within these upper basin states should flow beyond their boundaries.

1902

Reclamation Act establishes irrigation in the West as a national public policy by authorizing the Secretary of the Interior to locate, construct, operate and maintain works for the storage, diversion, and development of waters for the reclamation of arid and semi-arid lands in the Western states.

1904

Congress authorizes the Ox Bow Power Company of South Dakota to construct a dam across the Missouri River. Project is not completed.

1906

The Secretary of the Interior is authorized to develop hydroelectric generation at reclamation projects where needed for irrigation.

1908

In *Winters v. U.S.*, relating specifically to Indian reserved water rights, the Supreme Court states that the federal government has the constitutional power to "reserve the waters and exempt them from appropriation under the state laws" beginning at the time lands were withdrawn from the public domain.

1910

Congress authorizes development of a six-foot navigation channel on the Missouri River from Kansas City to the mouth. The project was extended to Sioux City in 1927 with authorization to study the feasibility of

increasing the channel depth to nine feet in the stretch from Kansas City to the mouth of the river.

1911

Conservation of watersheds legislation enables the states to enter into compacts or agreements with other states or the United States for the purpose of conserving the forests, water supplies and navigability of rivers.

1920

The Federal Water Power Act controls non-federal development of hydroelectric power through a licensing system to be administered by the newly created Federal Power Commission which evolves into the Federal Energy Regulatory Commission).

1925

The Rivers and Harbors Act of 1925 authorizes COE and the Federal Power Commission to consider needs for irrigation in planning for navigation, water power, and flood control.

1926

First interstate compact allocating surface water in the Missouri River basin approved by the States of Colorado and Nebraska and ratified by Congress. The compact allocates the waters of the South Platte River.

1927

Congress authorizes the extension of the six-foot navigation channel on the Missouri River from Kansas City to Sioux City, Iowa.

1927

Congress authorizes COE to undertake comprehensive river basin studies known as "308" reports. The reports are to recommend development for the purposes of navigation, flood control, hydroelectric power, and irrigation.

1930s

Drought period in the Missouri basin is of longer duration than any previously recorded.

1933

COE issues 308 Report on Missouri River basin — H. Doc.238, Seventy-third Congress, 1933 — which is keystone technical sourcebook. COE recommends Fort Peck, Montana, "be built to the maximum practicable capacity and be operated primarily for navigation, with such arrangement for future installation of power as will permit the maximum production of hydroelectric power consistent with the primary demands of navigation."

President Roosevelt uses report and authority under provisions of National Industrial Recovery Act to initiate project construction of first main stem federal dam on Missouri River. Congress formally approved this action in 1935.

1933

Chief of Engineers creates Missouri River Division with three districts: Kansas City, Omaha, Ft. Peck.

1934

The National Planning Board and its successors advocate comprehensive river basin planning as a solution to the nation's water and related land resource problems.

1936

Roosevelt creates the Great Plains Committee to recommend ways to ameliorate the effects of drought, depression, and poor land use practices plaguing much of the Missouri basin. The Committee's report, published in 1940 by the National Resources Planning Board, recommends among other things, additional irrigation projects and detailed planning.

1936

Flood Control Act declares flood control to be a proper federal activity; that improvements for flood control purposes are in the interest of the general welfare; that the federal government should improve or participate in the improvement of navigable waters or their tributaries for flood control "if the benefits to whomsoever they may accrue are in excess of the estimated costs, and if the lives and social security of people are otherwise adversely affected." The Act prescribes that federal investigations and improvements of rivers and other waterways should be under the jurisdiction of the COE.

1936

Bill introduced in Congress to create a Missouri Valley Authority (MVA).

1937

Roosevelt proposes the division of the nation into seven regions, drawn along river basin watershed boundaries, for the purpose of multipurpose basin development. The Missouri basin is one of the regions.

1938

Congress authorizes the installation of hydroelectric generating facilities at Fort Peck.

1938

First "comprehensive" plan for flood control and other purposes in the

Missouri basin, as set forth in Flood Control Committee Document 1, Seventy-fifth Congress, 1937, is adopted by Congress which includes a system of reservoirs on Missouri River tributary streams in the lower basin.

1938

Congress authorizes the Secretary of War to provide additional storage capacity at flood control dams for domestic water supplies.

1939

The Reclamation Project Act, Section 9, authorizes the Bureau of Reclamation (BOR) to plan for the conservation, control, and use of water resources in the Missouri basin and permits BOR to allocate part of reclamation project costs for flood control and navigation. The resulting plan, presented to Congress in 1943 as Senate Document 191, becomes popularly known as the "Sloan Plan" after its chief author William Glenn Sloan, then Assistant Director of the BOR's office in Billings, Montana.

1939

The Reclamation Project Act provides that the sale of hydroelectric power from federal projects must give preference to municipalities and public agencies and to cooperatives and other nonprofit organizations financed by Rural Electrification Loans. It also authorizes the Secretary of the Interior to add municipal water supply to the multiple purposes of its projects.

1939

Board of Engineers for Rivers and Harbors recommends a nine-foot by 300-foot navigation channel on the Missouri River from Sioux City to the mouth.

1941

The National Resources Planning Board sponsors a conference in Omaha, Nebraska, to discuss the creation of a basinwide planning organization. The Missouri Valley Regional Planning Commission is created. It is composed of one delegate from each of eight basin states (omitting Colorado and Wyoming) appointed by their governors, and federal representatives from the Departments of Army, Agriculture, and Interior. The Commission publishes a report in 1942 that calls for an apportionment of the waters of Fort Peck and future reservoirs that might be constructed. The Commission ceases operation in 1943 when Congress does not fund the National Resources Planning Board.

1941

Congress authorizes additional dams and reservoirs in Missouri River

basin, including Cherry Creek at Denver.

1942

The Missouri River States Committee organizes at a meeting in Billings, Montana. The Committee eventually includes all ten basin states represented by the states' governors and their technical advisers. The aim of the "Governor's Committee" is to foster and expedite the planning, development and use of the water and related land resources of the Missouri basin for the greatest common good of the basin and the nation.

1943

Missouri River flooding causes the Flood Control Committee of the House of Representatives to request the COE to review previous plans. COE, through Missouri River Division office in Omaha, Nebraska, submits House Document 475, which becomes known as the "Pick Plan" after then Missouri River Division Engineer Colonel Lewis A. Pick.

1944

The Missouri River States Committee submits a resolution to Congress through President Roosevelt calling for: 1) a single comprehensive plan for Missouri basin development, 2) the COE and BOR to coordinate and merge their plans, 3) legislation to implement the basinwide development plan, and 4) the beneficial consumptive use of basin water arising in states wholly or partially west of the 98th meridian to have precedence over water for navigation. Roosevelt endorses the resolution in his transmittal to Congress and adds his recommendation for a Missouri Valley Authority.

1944

Senator James Murray of Montana introduces the first of his many bills to create a Missouri Valley Authority (S. 2089). None are reported out of committee.

1944

COE and BOR representatives meet in Omaha on October 16-17 and affect a merger of their plans. The combined plan is submitted to Congress as Senate Document 247 and is enacted into law on December 22 as part of the Flood Control Act of 1944 (P.L. 534, 78th Congress). The Plan, with some modifications, provides for the construction of 316 separate project units, with 112 dams having a total storage of 107 million acre-feet of water, 4.3 million acres of irrigation, 2.6 million kilowatts of hydroelectric generating capacity, and hundreds of miles of levees and other flood protection structures.

Contains a statement assigning navigation functions a priority subordi-

nate to beneficial consumptive use functions in cases involving water rising west of the 97th meridian. Provides that COE reservoirs may include irrigation purpose in 17 western states.

Provides for disposal by the Secretary of the Interior of electric power from COE projects and establishes "basin account" mechanism, a means of keeping track of the monies returned to the U.S. Treasury from the marketing of "surplus" energy (energy not needed to support irrigation pumping).

Authorizes disposal by the Secretary of Army for domestic and industrial uses of surplus water available at reservoirs.

Specifies that the Secretary of the Army shall prescribe regulations for the use of storage allocated for flood control or navigation to all reservoirs constructed wholly or in part with federal funds.

Authorizes providing facilities in reservoir areas for public use, including recreation and conservation of fish and wildlife.

Contains a precedent-setting statement declaring policy of Congress to recognize rights and interests of the states in water resource development, and requires consultation and coordination with affected states.

1945

Congress authorizes, in the Rivers and Harbors Act (P.L. 14, 79th Congress), nine-foot navigation channel on Missouri River downstream from Sioux City, Iowa.

1945

The Washington-based Federal Inter-Agency River basin Committee creates the Missouri Basin Inter-Agency Committee (MBIAC). The MBIAC is composed of federal and state members and its broad duty is to effect coordination among parties engaged in basin water and land resource planning and development.

1946

COE breaks ground on Pick-Sloan project in Kansas City, begins work on Garrison Dam on Fort Berthold Indian Reservation in North Dakota, and condemns land on Standing Rock and Rosebud Sioux Reservations needed for Fort Randall project in South Dakota.

1946

Fish and Wildlife Coordination Act provides for consultations to prevent loss or damage to fish and wildlife at any federal or non-federal agency project operating under federal permit when the project is authorized to impound, divert or control waters. The Act is amended in 1958 to give

fish and wildlife conservation planning equal consideration to other project purposes.

1946

Water Pollution Control Act authorizes the Surgeon General to assist in and encourage studies and plans, interstate compacts, and creation of uniform state laws to control pollution.

1947

BOR begins work on Boysen Dam in Wyoming.

1948

Congress authorizes \$5.1 million settlement with Three Affiliated Tribes of the Fort Berthold Reservation.

1949

Gladwin Young of U.S. Department of Agriculture devises plan to integrate upstream watershed management techniques into the Pick-Sloan program. The "Young Plan" is not authorized.

1950

Congress establishes guidelines for settlement negotiations with Cheyenne River and Standing Rock Sioux Tribes for the Oahe project.

1951

Catastrophic floods in lower Missouri basin produces discharges of 636,000 cubic foot per second at the river's confluence with the Mississippi. Extensive damages result in the nation's first \$1 billion flood.

1952

Flooding is extensive in the upper and middle Missouri basin. A discharge of 500,000 cubic feet per second is recorded at Bismarck, North Dakota, and the cities of Omaha, Nebraska, and Council Bluffs, Iowa are threatened.

1952

President Truman appoints the Missouri Basin Survey Commission to study basin development plan and administration. The Commission recommends creating a Missouri River Basin Commission, with some members dissenting.

1952

Congress authorizes \$450,000 settlement with Arapahoe and Shoshone Tribes of the Wind River Reservation for Boysen project damages.

1953

COE files suit to condemn lands on Crow Creek and Lower Brule Sioux

Reservations for Fort Randall Dam project in South Dakota.

1953

Missouri River Division creates Reservoir Control Center.

1954

Congress authorizes in Flood Control Act extensive revised dam and reservoir plans in Missouri and Kansas. BOR's Canyon Ferry Dam in Montana is completed.

1954

The Missouri River States Committee negotiates a basinwide compact without success.

1954

Congress authorizes \$10.6 million settlement with Cheyenne River Sioux Tribe for Oahe project damages and \$238,000 settlement with Yankton Sioux Tribe for Fort Randall project damages. It establishes guidelines for negotiations with Crow Creek and Lower Brule Sioux Tribes for Fort Randall and Big Bend project damages.

1955

Garrison Dam completed. Congress authorizes BOR's Angostura Unit in South Dakota.

1956

Senator Murray introduces last bill to create a Missouri Valley Authority.

1957

Congress authorizes \$12.3 million settlement with Standing Rock Sioux Tribe for Oahe damages.

1958

The Water Supply Act permits the incorporation of storage space in COE and BOR reservoirs for future domestic, municipal, and industrial water needs.

1958

Congress authorizes BOR's Red Willow Dam in Wyoming.

1958

U.S. District Court in North Dakota blocks COE attempt to condemn land on Standing Rock Sioux Reservation for Oahe project.

1959

Construction begins on Big Bend Dam and Reservoir in South Dakota, the last of the COE's main stem Missouri River projects. And, BOR's Gray Reef Dam in Wyoming is authorized for construction.

1959

U.S. Senate Select Committee on national Water Resources recommends comprehensive studies of water and related land resources be undertaken for all river basins in the nation. Recommendations are eventually translated into legislation in the Water Resources Planning Act of 1965.

1961

Congress amends the Federal Water Pollution Control Act to provide for a more effective program of water pollution control, including consideration of storage in federal projects for water quality control.

1962

Congress authorizes \$3.2 million settlement to Lower Brule Sioux Tribe and \$4.4 million to Crow Creek Sioux Tribe for Fort Randall and Big Bend project damages.

1963

Formation of Missouri Basin Systems Group leads to organization of Basin Electric Power Cooperative.

1963

U.S. District Court in Montana awards Crow Tribe additional compensation of \$2 million plus interest for Yellowtail project damages.

1963

U.S. Supreme Court reaffirms the Winters doctrine in *Arizona v. California* and clarifies the question of quantification of Indian reserved water rights.

1964

MBIAC creates Standing Committee on Comprehensive Basin Planning. Committee is charged to produce a "framework study" to "provide guidance for future multipurpose development of the [basin's] water and related land resources for their optimum or best use." The framework study is published in seven volumes in 1971.

1964

Congress directs that any Pick-Sloan project not yet initiated would have to be "hereafter authorized" by Congress.

1965

Congress requires consideration in Federal Water Project Recreation Act of opportunities for outdoor recreation and fish and wildlife enhancement in planning water resources projects. Recreational use of the project is to be coordinated with other existing and planned federal, state, or local recreational developments.

1965

Congress passes the Water Resources Planning Act permitting the creation of river basin commissions at the request of basin state governments, authorizing funding to partially support the work of the basin commissions and state water planning agencies, and creating the U.S. Water Resources Council to provide a national perspective to water resource planning.

1965

Congress reauthorizes Garrison Diversion Unit to serve 250,000 acres of irrigated land.

1967

First year of operation for the main stem Missouri River dams as a system.

1968

Congress reauthorizes down-scaled Oahe Irrigation project.

1968

Wild and Scenic Rivers Act requires that plans for water resource development consider setting aside certain streams as wild, scenic, or recreational rivers as an alternative to other uses. A portion of the upper Missouri in Montana is included in the Act.

1969

The National Environmental Protection Act (NEPA) commits the nation to responsibility for the quality of the environment. The Act requires an Environmental Impact Statement (EIS) on proposed federal actions affecting the environment.

1970

Water Quality Improvement Act and Environmental Quality Improvement Act establishes the Office of Environmental Quality.

1970

River and Harbor and Flood Control Act expresses the intent of Congress that the objectives of enhancing regional economic development, the quality of the total environment, including its protection and improvement, the well-being of people, and the national economic development are the objectives to be included in federally financed water resource projects.

1970

Congress officially designates "Pick-Sloan Missouri Basin Program."

1972

The Missouri River Basin Commission (MRBC) is created by Presidential Executive Order 11658. The MRBC is charged under law with, among other things, maintaining a comprehensive plan for basin development and being the principal coordinator of federal, state, interstate, local and nongovernmental entities for water and related land resource development in the basin.

1972

The Federal Water Pollution Control Act is amended to establish the explicit national goal of eliminating all pollutant discharges into U.S. waters by 1985 and an interim goal of making the waters safe for fish and wildlife and people. The Act provides that in the planning of any COE reservoir consideration shall be given to inclusion of storage for regulation of streamflow and the impact of storage for the purpose of water quality control are determined by the Administrator of the Environmental Protection Agency (EPA). Nothing in the Act is to be considered as affecting or impairing the authority of the Secretary of the Army to maintain navigation.

Sections 402 and 403 establish a permit program in EPA to regulate the discharge of pollutants into the waters of the United States, replacing the Corps Refuse Act Permit Program under the Act of 1899 without repealing the Act. All permits issued under the COE program are considered permits under the new EPA program.

Section 404 authorizes a separate permit program for the disposal of dredged or fill material in the nation's waters, to be administered by the COE.

1973

Congress directs all federal departments and agencies to carry out programs to conserve endangered and threatened species, in consultation with the Secretary of the Interior and to preserve the habitat of such species. (Note: Section 7 of the Endangered Species Act Amendments of 1978 [P.L. 95-632] authorizes procedures by which a federal agency, state governor, or license applicant may apply for an exemption to the Act.)

1977

The MRBC adopts its first comprehensive water management plan for the Missouri basin.

1978

The Missouri River between Gavins Point Dam and Ponca State Park,

Nebraska, is authorized as a national Recreational River under the National Parks and Recreation Act of 1978.

1980

The MRBC adopts its second comprehensive water management plan for the Missouri basin.

1980

Fish and Wildlife Conservation Act provides funds to states to conduct inventories and conservation plans for conservation of non-game wildlife.

1981

COE officially completes navigation channel to Sioux City.

1981

The MRBC and five other river basin commissions are abolished by Presidential Executive Order 12319. The governors of the ten Missouri basin states resolve to form the Missouri Basin States Association (MBSA) to continue some activities of the MRBC. The MBSA is incorporated as a nonprofit organization to "conduct, encourage, and participate in activities which promote interstate coordination of water resources management in the Missouri River basin."

1981

The Energy Transportation Systems, Inc. (ETSI) reveals its intent to contract with South Dakota to buy 50,000 acre feet of water, or about 16.3 billion gallons a year for fifty years from the Oahe Reservoir. Missouri, Iowa, and Nebraska filed suit to block South Dakota's sale. The states were joined with other plaintiffs, including environmental groups and the Kansas City Southern Railway, all of whom alleged that federal agencies lacked authority. They contended the contract, if implemented, would establish a precedent for the sale of water as a cash commodity for export from the basin, would harm downstream states, and was illegal.

1982

Missouri Basin States Association discusses state positions on Missouri River water allocation.

1982

Congress authorizes development of WEB pipeline and feasibility studies for South Dakota water projects to be built in lieu of Oahe and Pollack-Herried projects. Same legislation authorizes irrigation projects on the Standing Rock, Cheyenne River, Crow Creek, Lower Brule, and Omaha Indian reservations to receive Pick-Sloan pumping power at preferential rates.

1982

Congress makes clear in the Reclamation Reform Act that the provisions of federal reclamation law are not applicable to lands which receive benefits from water resources projects constructed by the COE, except in limited circumstances.

1983

The MBSA completes a Flood Plain Management Study of the lower Missouri River flood plain and a Missouri River Basin Hydrology Study.

1984

Garrison Diversion Unit Commission reduces Garrison project to 131,940 acres of new irrigation in North Dakota.

1985

Northern Lights Institute commences Missouri River Management Project emphasizing public education and awareness of water issues.

1986

Garrison Unit Tribal Advisory Committee recommends additional compensation to Standing Rock Sioux and Fort Berthold tribes for Oahe and Garrison project damages.

1986

BOR exercises no functions at Oahe reservoir although some irrigators draw water from the lake pursuant to South Dakota water permits.

1986

Congress passed a Water Resources Development Act, the first comprehensive water resources bill to pass in sixteen years. Act contains the statement that "The Pick-Sloan Missouri Basin Program shall be prosecuted, as authorized and in accordance with applicable laws including the requirements for economic feasibility, to its ultimate development on an equitable basis as rapidly as may be practicable, within the limits of available funds and the cost recovery and repayment principles established by Senate Report No. 470 and House Report No. 282, 89th Congress, 1st session."

Act establishes preconditions for local protection projects and new cost sharing requirements.

Authorizes acquisition of recreation lands and general authority to undertake fish and wildlife mitigation measures.

1987

Missouri River Natural Resources Committee forms as an association of natural resources managers representing the states in the basin.

1987

U.S. Supreme Court agrees to hear appeals on the issue raised in the ETSI case of the power of the Secretary of the Interior over water stored in the Missouri River main stem reservoirs, but declines to rule on the even larger issue of the federal and state governments' relative interests in Missouri River water.

1988

Water Resources Development Act requires that there be opportunity for public review and comment before a change is made in reservoir operation involving reallocation of storage or significantly affecting any project.

1988

U.S. Supreme Court affirms the lower court's ruling in ETSI Pipeline Project v. Missouri, et al that "It is beyond question that the Interior Secretary does not possess the authority . . . to execute a contract to provide water from an Army reservoir for industrial uses without obtaining the approval of the Secretary of the Army." The court confirmed the lower basin plaintiffs' contention that the 1944 Act gave the Army Secretary the authority to contract for domestic and industrial uses of surplus water in COE reservoirs, provided those contracts did not adversely affect existing lawful uses of the water. Finally, Justice Byron R. White wrote that the executive branch was "not permitted to administer the [Flood Control Act of 1944] in a manner that is inconsistent with the administrative structure that Congress enacted into law."

1988

Northern Lights Institute publishes The Missouri River Brief Series.

1989

Protracted drought and shifting priorities in basin water use prompts Missouri basin states and the COE to begin a review of the Master Water Control Manual for reservoir operations. Focus of the review is a consideration of alternative scenarios for operating the river. Phase I of the study, completed in June 1990, consists of a preliminary assessment of the current operation and priorities of water use in the basin. Based on those findings, along with public comments, technical subcommittees were developing in Phase II, alternative operating scenarios and evaluating the hydrologic, economic, social, and environmental impacts of the alternatives.

1989

Northern Lights Institute convenes Missouri River Assembly.

1990

Upper basin states of Montana, South Dakota, and North Dakota, concerned about the impact on spawning fish, filed sued at the U.S. district court level arguing that by using drought-reduced water in the reservoirs for the benefit of downstream navigation the COE was harming the states' recreation industry. The U.S. Court of Appeals for the Eighth Circuit ruled in favor of the COE, overruling a federal judge who ordered a reduction in the water releases from a reservoir in the Dakotas.

1990

Northern Lights Institute convenes second meeting of Missouri River Assembly.

1991

Upper basin states of Montana, South Dakota, and North Dakota file suit in U.S. District Court alleging the COE violates the intent of the Flood Control Act of 1944 in operating the main stem reservoir system and requests the courts to declare the rights of the states based on priorities for the basin that reflects contemporary uses and needs. Downstream states counter with amicus briefs showing major negative impacts if courts were to order COE to redefine priorities.

1992

Congress authorizes additional financial compensation to Indian tribes of the Fort Berthold and Standing Rock Sioux Reservations for damages to them resulting from U.S. government actions involving construction of the Garrison and Oahe projects.

1992

Missouri files suit in U.S. District Court to prohibit the Corps from reducing the level of flow in the Missouri River below the amount specified in the water control plan contained in the Master Manual.

1993

Missouri Basin States Association changes its name to the Missouri River Basin Association reflecting the association's expanded perspective and representation to include Indian tribes.

1993

U.S. District Court dismisses suit filed by South Dakota, North Dakota, and Montana against COE.

1993

Missouri basin tribes officially form the Mni Sose tribal water rights coalition.

